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ACTION PLANS TO ENSURE THE WTO CONSISTENCY OF NATIONAL LAWS

The following communication, dated 15 September 2017, is being circulated at the request of the delegation of the Union of the Comoros.

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1. SPS-RELATED MEASURES

Description	Action to be taken	Status	Time-frame	Department(s)/Ministry(ies) concerned	Comments
Law of 2017 on the revision of plant protection in the Comoros in compliance with IPPC requirements	1. Submission for comments to Members 2. Adoption 3. Entry into force	The revised law of 2017 on plant protection in the Comoros was adopted by the National Assembly on 10 June 2017	1. April-May 2017 2. 10 June 2017 3. Enactment pending	National Directorate of Agricultural Strategies (DNSAE) National Institute for Research in Agriculture, Fisheries and the Environment (INRAPE)	
Law on the revision of food legislation in the Union of the Comoros	1. Submission to Council of Ministers for approval 2. Adoption by the National Assembly 3. Entry into force	The revised food law of 2017 was adopted by the National Assembly on 10 June 2017	1. Action completed 2. Action completed in June 2017 3. Enactment pending	3. National Directorate of Agricultural Strategies (DNSAE), INRAPE, Foreign Trade Directorate	
Use of the OIE PVS tool	1. Validation of recommendations 2. Preparation of draft regulatory texts 3. Submission of draft texts to the Council of Ministers	PVS evaluation and gap analysis effected	1. 4 th quarter 2016 2. Texts prepared 2017 3. Action under way 4 th quarter 2017	Livestock service Livestock service Livestock service	Need for technical and financial assistance
Amend existing veterinary regulations so as to establish a coherent, harmonized regulatory framework at regional and international level, applicable in the specific circumstances of the Union of the Comoros	1. PVS evaluation 2. Performance evaluation 3. PVS report 4. PVS gap analysis 5. Amendment of veterinary regulations	Planning of technical validation and implementation of national legislation	1. Action completed October 2011 2. Action completed 2012 3. Action completed October 2016 4. Completed October 2016 5. Action under way	Livestock service Livestock service Livestock service Livestock service Livestock service	Need for technical and financial assistance

Description	Action to be taken	Status	Time-frame	Department(s)/Ministry(ies) concerned	Comments
Establish the authority of veterinary services (VS) over all sanitary inspection activities at the borders and throughout the distribution network for foodstuffs of animal origin (DAOA)	1. Preparation of texts 2. Validation and approval 3. Signature of decrees 4. Entry into force	<ul style="list-style-type: none"> - Draft law on veterinary sanitary control completed - Decree on regulation of special health control measures - Decree on the attribution and exercise of the sanitary mandate - Law regulating the veterinary profession and pharmacies - Law on veterinary public health 	1. Completed 2. 2 nd quarter 2018 3. 2 nd quarter 2019 4. 4 th quarter 2019	1. Livestock service 2. Livestock service 3. Livestock service 4. Livestock service	Need for technical and financial assistance
Harmonize national regulations with the standards of international normative bodies recognized by the WTO	1. Adoption of certain COMESA and CODEX standards as national standards	Adoption of COMESA standards and CODEX guidelines as national standards completed	February 2017	National CODEX Alimentarius Committee (CNCA) and standardization service	
Adoption of the principle of equivalence agreements and other types of sanitary agreements, as well as the principles of transparency and of zoning and compartmentalization	Preparation of provisions on equivalence in conformity with the WTO text	Not yet discussed	2019-2022	National Directorate of Agricultural Strategies, Trade Directorate, standardization service and INRAPE	Need for technical assistance
Establishment of a medium- and long-term training plan	Preparation of a training plan	Under discussion	2018-2024	National Directorate of Agricultural Strategies and Foreign Trade Directorate	Need for technical assistance
Institutional capacity building	Organization of food control institutions	Under way	2018-2019	National Directorate of Agricultural Strategies (DNSAE), INRAPE and Foreign Trade Directorate	Need for technical and financial assistance

Description	Action to be taken	Status	Time-frame	Department(s)/Ministry(ies) concerned	Comments
Establishment of the National Plant Protection Organization (NPPC) and the National Notification Authority	1. Legal establishment of the enquiry point and the National Notification Authority 2. Establishment of an office and appointment of responsible officers	WTO reference centre available NPPC established under the 2017 Law on plant protection	1. Completed 2. Upon enactment of the law	Foreign Trade Directorate National Directorate of Agricultural Strategies and INRAPE	Need for financial assistance
Establishment of technical libraries, for example a CODEX library	Establishment of a CODEX library	Under way	2018	National Directorate of Agricultural Strategies	Need for financial assistance
Availability of resources for the establishment of a reference laboratory	Resources to be mobilized Establishment of the laboratory Purchase of necessary testing equipment	Project validated	August 2017 2022	National Institute for Research in Agriculture, Fisheries and the Environment (INRAPE)	Need for technical and financial assistance
Preparation and implementation of training and capacity building activities for key personnel in the field of plant and animal health and safety to apply SPS provisions	Training of key officials in line ministries for implementation of national legislation consistent with the WTO SPS Agreement and complementary to all other relevant international conventions and treaties: Departments of the Ministry of Agriculture, Ministry of Health, standardization service/office, Office for Certification of Fish Products, Directorate of the Environment, Customs Directorate, Port Authority of the Comoros, Ministry of Finance, Foreign Trade Directorate, Domestic Trade Directorate, etc.	Under way	2018 and 2020	National Directorate of Agricultural Strategies and INRAPE Foreign Trade Directorate	Need for technical and financial assistance

Description	Action to be taken	Status	Time-frame	Department(s)/Ministry(ies) concerned	Comments
Organization of awareness-raising activities	Enhancement of public awareness of SPS measures (standards, law, etc.) and their repercussions and effects on the Comoros economy and environment	Under way	Since 2016	National Directorate of Agricultural Strategies, National Trade Directorate and INRAPE	Need for technical and financial assistance
Establishment of an information system on SPS-related activities	Creation of a website in full conformity with the date of accession	Under way	Date of accession	National Directorate of Agricultural Strategies and Foreign Trade Directorate	Need for technical and financial assistance
Full implementation and establishment in the Comoros of an SPS infrastructure and safe and WTO SPS-compliant trade	Full implementation Submission to the WTO of a statement on implementation	Under way	2020	National Directorate of Agricultural Strategies and National Foreign Trade Directorate	Need for technical and financial assistance

2. TRIPS-RELATED MEASURES

Description	Action to be taken	Status	Time-frame	Department(s) concerned	Comments
<ul style="list-style-type: none"> - Law on Copyright and Related Rights - Transposition of the provisions of the 2015 Bangui Agreement into national legislation in the areas of patents; trademarks, including service marks; geographical indications; and industrial designs 	Request for assistance to WIPO/OAPI on the elaboration of a new national law on copyright, pending, and transposition of provisions into national legislation	Action completed	Since September 2016 June and July 2017	Comorian Intellectual Property Office (OCPI)	Favourable reply from WIPO/1 st draft submitted on 7 August 2017
	Preparation of the law	Under way	Finalization of the law scheduled for the 2 nd half of 2018	WIPO OCPI	
	National Technical Validation Workshop		End of the 1 st half of 2018	OCPI and National Trade Negotiations Committee (CNNC)	
	Communication of draft law to WTO Members for comments		Upon validation, 2 nd week/half of 2018	OCPI and CNNC	
	Finalization of the law following comments by WTO Members		3 rd week of October 2018	OCPI and CNNC	
	Submission of memorandum to the Council of Ministers		3 rd week of October 2018	Ministry of Culture	
	Validation by the Government		Approval October 2018	Council of Ministers	
	Submission of the law to the National Assembly for adoption		On approval by the Government	OCPI	
	Adoption in the National Assembly		1 st session 2018	National Assembly	Submission to the Law Committee
	Enactment		July 2018	Government	
	Implementing Decree		August 2018	OCPI, Government Secretariat	
	Effective implementation		January 2019	Office of the President of the Republic	
	Public awareness-raising		Upon implementation of the texts – January 2019	OCPI	
Draft law on ratification of the 2015 Bangui Agreement	Submission of memorandum to the Council of Ministers	Action completed	23 November 2016	OCPI	
	Validation by the Government	Action completed	28 November 2016	Council of Ministers	

Description	Action to be taken	Status	Time-frame	Department(s) concerned	Comments
	Submission of the law to the National Assembly for adoption	In progress	October 2017 session	OCPI	
	Adoption in the National Assembly	Next session	October 2017 session	National Assembly	Submission to the Law Committee
	Enactment by the President	Under way	December 2017	Office of the President	
	Implementing Decree	Under way	April 2018	OCPI, Government Secretariat	
	Effective implementation	Under way	August 2018	Office of the President of the Republic	
	Public awareness-raising	Under way	September 2018	OCPI	
Capacity building	Training of personnel, including customs officials and police officers responsible for protecting registered trademarks	Under way since 2016	At any time	OCPI	<i>Technical assistance required (WIPO, OAPI and WTO)</i>
	Training of judges and lawyers	Under way since November 2016	At any time	OCPI	<i>Technical assistance required (WIPO)</i>
	Creation of a registered trademarks database	Reference to OAPI	Upon ratification of the Bangui Agreement	OCPI	Reference to OAPI
	Elaboration of rules/technical regulations	Under way	Once the texts have been drawn up	OCPI	<i>Technical assistance required (WIPO)</i>
	Computerization of OCPI	No implementation	1 st quarter 2019	OCPI	<i>Technical assistance required (WIPO)</i>

3. CUSTOMS FORMALITIES

(a) Measures related to the Customs Valuation Agreement

Description	Key stages	Action to be taken	State of progress	Time-frame	Comments
Prepare a customs code for the Union of the Comoros which reflects the principles of the Customs Valuation Agreement	Adoption and enactment of Law No. 15-016/AU of 28 December 2015 on the 2015 Customs Code, which provides for the application of transaction value and is in conformity with the COMESA Customs Code		Already implemented		
Adoption of implementing texts for the new 2015 Customs Code	Adoption and enactment of the law on the Customs Code Internal memorandum adopted Implementation by the Committee on the basis of the memorandum adopted	Establishment by internal memorandum of the Customs Committee responsible for supervising the implementation and application of the new 2015 Customs Code	Already implemented		
	Preparation of laws Sharing of information on draft laws with the Working Party	Working Party review of draft legislation necessary for ensuring conformity with the Agreement	Review prior to accession		The Union of the Comoros will need technical and financial assistance
	Submission of draft implementing provisions for the new Customs Code providing for the use of transaction value	Advocacy is needed for the draft texts to be signed	Already implemented		Technical assistance from IMF/AFRETAC-SOUTH for the submission of draft implementing texts for the new Customs Code establishing the use of transaction value
	Reproduction of the Code Organization of dissemination seminars	Seminars and workshops devoted to familiarizing users with the 2015 Customs Code	Not yet started	2018	The Union of the Comoros will need technical and financial assistance
	Preparation of a concept paper and terms of reference for the planned evaluation	Evaluation of implementation of the new Customs Code	Not yet started	2019	The Union of the Comoros will need technical and financial assistance

Description	Key stages	Action to be taken	State of progress	Time-frame	Comments
Adjustment to the WTO evaluation system	Adoption of a capacity-building programme Identification of profiles and targets Mobilization of technical assistance Adequate training Provision of tools necessary for implementation	Workshops, seminars, study and training visits for staff/targeted training for the actors concerned: customs, freight forwarders	Not yet started	2017/2023	The Union of the Comoros needs technical and financial assistance
		Implementation of a valuation system in full conformity with WTO rules - Preparation of manuals and operating procedures; Preparation and printing of forms, brochures, etc.	Not yet started		
Creation of a technological information base including a database on risk assessment		Continued analysis of mirror data for statistical needs	Not yet created	2017-2019	
Implementation of the recommendations of the diagnosis on value		Not yet implemented	2017-2018		
Risk assessment training		Not yet started	2018		
Workshops/seminars presented by "risk assessment" specialists		Not yet started	2018		
Training courses on the Customs Valuation Agreement		Seminar/workshop devoted to the principles of the Customs Valuation Agreement	Not yet started	2018	
Technical training on the determination of customs value under Articles 1 to 17 of the Customs Valuation Agreement		Training of trainers for selected customs officials on the basis of their teaching skills	Not yet started	2017-2020	The Union of the Comoros will need technical and financial assistance
Establishment of a reference database on the value of identical or similar goods		Study and exchange mission on the development of a database for the evaluation of identical or similar goods (methods 2 and 3 applied in sequence)	Not yet started	2017-2020	The Union of the Comoros will need technical and financial assistance
Ensure the safety of imported goods		Equip the main customs centres of the country with scanners	Not yet started	2019-2020	The Union of the Comoros will need technical and financial assistance
		Targeted training for dedicated staff	Not yet started	2018-2019	

(b) Fees and charges

Description	State of progress	Key stages	Action to be taken	Time-frame	Comments
Application of transaction value	Adoption of transaction value – 2012 Finance Law	Targeted training for the actors concerned: customs agents, freight forwarders	See "key stage"	2019 and beyond	Implementation requiring technical assistance for training
Elimination of other duties and charges (ODCs) – AI (advance tax payment), PI (import trade tax), TCR (regional cooperation tax) and CCIA (Chamber of Commerce, Industry and Agriculture) tax – at the customs cordon	Preparation of the explanatory memorandum for elimination of ODCs in the 2018 Finance Law	Presentation of the memorandum on the 2018 Finance Law at the parliamentary session in October 2017	Commitment made by the Government	January 2018	Dismantling of the ODCs will become effective upon enactment of the 2018 Finance Law
Single Administrative Charge (RAU)	Transition from <i>ad valorem</i> taxation to a fixed rate levy based on volume	Introduction for adoption in the 2018 Finance Law at the parliamentary session of October 2017	Commitment made by the Government	January 2018	
Establishment of the VAT regime		Conduct of a study on modalities for implementing VAT	Concept paper and terms of reference Recruitment of consultants (1 national and 1 international) Conduct of the study Sharing and validation (stakeholders)	2019	Assistance required from the EIF and assistance obtained
		Preparation of a draft law on the subject, and validation in a national workshop	Preparation of the draft by international experts Sharing and validation (stakeholders)		Assistance required from the IMF and assistance obtained
		Adoption of the draft law by Parliament and enactment	Adoption by the Government and transmission to the Parliament Adoption by the Parliament and enactment Adoption of implementing texts Implementation of the law		

(c) Other (Trade Facilitation Agreement)

Description	State of progress	Category	Key stages	Action to be taken	Time-frame	Comments (Assistance)
Ratification and implementation of the Trade Facilitation Agreement	No	C	Publication	Publication, as expeditiously as possible, of trade-related information in a manner that is non-discriminatory and easily accessible to the public	2021	Yes
	Yes	A	Information available on the Internet	Making information available on ITC media, particularly the Internet, in order to improve access 24 hours a day and 365 days a year at a low operating cost	2021	No
	No	C	Focal point	Establishment of enquiry points to answer reasonable requests and supply forms and required documents (Article 1.3.1)	2018	Yes
	No	B	Comments before entry into force	Possibility for stakeholders to make comments on the planned introduction or amendment of trade regulations concerning the movement, release and clearance of goods	2020	No
	No	B	Consultations	Provide for regular consultations between border agencies and traders or other stakeholders located within its territory (Article 2.2)	2020	No
	No	B	National Committee on Trade Facilitation	Establish and/or maintain a national committee or similar mechanism on trade facilitation. Or designate an existing mechanism (Article 23).	2018	No

Description	State of progress	Category	Key stages	Action to be taken	Time-frame	Comments (Assistance)
	No	B	Formalities and documentation requirements	In consultation with the stakeholders, examine the formalities connected with importation, exportation and transit, and the documentation requirements, with a view to minimizing the effects/ complexity of operations and reducing and simplifying requirements (Article 10.1)	2020	No
	No	C	Appeal or review	Establish a legal system of administrative or judicial appeal or review so that any person subject to an administrative decision is entitled to a revision and correction, on an impartial and independent basis, with regard to decisions handed down by the customs authority (Article 4)	2020	Yes
	No	B	Disciplines concerning fees and charges	Implement disciplines covering fees and charges imposed on or in connection with importation or exportation, and limit them to the approximate cost of the services provided. This also includes a requirement for compulsory periodic publication and review of such fees and charges with a view to reducing their number and diversity.	2020	No
	Yes	A	Penalties	Ensure that penalty measures are applied to persons responsible for infringing a law, a regulation or a customs procedure. Such penalties shall be proportional to the degree and gravity of the offence, and conflicts of interest shall be avoided in establishing them	Commencing immediately	No

Description	State of progress	Category	Key stages	Action to be taken	Time-frame	Comments (Assistance)
	No	C	Processing before arrival	Adopt or maintain a mechanism enabling the trader to submit important documentation prior to the arrival of goods	2022	Yes
	No	C	Electronic payment	Establishment of a mechanism allowing traders the option of electronic payment for duties, taxes, fees and charges (Article 7.2)	2021	Yes
	No	B	Risk management	Adopt or maintain a non-discriminatory and non-arbitrary system of risk management for the customs control of imports, exports and goods in transit. Concentrate customs controls on high-risk consignments and rapidly release low-risk consignments (Article 7.4)	2019	No
	No	C	Control after customs clearance	Adopt or maintain a mechanism to certify the conformity of the consignment after customs clearance (Article 7.5)	2018	Yes
	No	C	Authorized operator	Create a fair system which rewards respect for the rules and establish additional trade facilitation measures for selected operators (Article 7.7)	2019	Yes
	No	C	International standards	Use international standards, fully or partially, as a basis for national formalities and procedures in respect of importation, exportation or transit, and information/documentation requirements	2019	Yes
	No	C	Single window	Establish or maintain a single window enabling traders to submit once only the documentation and/or data required by border control agencies (Article 10.4)	2018	Yes
	No	C	Cooperation between border agencies	Establishment of cooperation between border agencies (Article 8)	2018	Yes

Description	State of progress	Category	Key stages	Action to be taken	Time-frame	Comments (Assistance)
	No	C	Movement of goods under customs control	Allow goods intended for import to be moved under customs control within their territory provided that all regulatory requirements are satisfied (Article 9)	2018	Yes
	No	C	Common procedures and documentation	At border-crossing points throughout its territory, apply the same procedures for the release and clearance of goods (Article 10.7)	2018	Yes
	Yes	A	Decision expected	On request, issue a reasoned decision within a specific time-limit, providing reliable and binding information on several customs issues prior to import/export (Article 4)		No
	No	B	Separation of release from final determination	Adopt or maintain procedures allowing the release of goods prior to the final determination of customs duties, taxes, fees and charges (Article 7.3)	2019	No
		C	Control after customs clearance	Adopt or maintain a mechanism serving to ensure conformity of the consignment after customs clearance (Article 7.5)		No
		C	Average time necessary for release	Measure and publish, on a periodic basis and in a consistent manner, the average time it takes to release goods (Article 7.6)		No
		C	Expedited shipments	Implement special procedures, for those who so request, to permit expedited release of air freight consignments (Article 7.8)		No
		C	Perishable goods	Grant release of perishable goods within the shortest possible time, even outside working hours if the circumstances so require (Article 7.9)		No

Description	State of progress	Category	Key stages	Action to be taken	Time-frame	Comments (Assistance)
		B	Movement of goods under customs control	Allow goods intended for import to be moved under customs control within their territory (Article 9)		No
		B	Acceptance of copies	Accept paper or electronic copies of supporting documents required (Article 10.2)		No
		B	Rejected goods	Allow the importer the possibility of returning the goods to the exporter or forwarding them if they are rejected on the ground of failure to comply with the SPS regulations or technical standards (Article 10.8)		No

4. TBT-RELATED MEASURES

Description		Action to be taken	Status	Time-frame	Department(s)/ Ministry(ies) concerned	Comments
Ensure that the Comorian legal framework is in full compliance with the provisions of the TBT Agreement	1. Law on legal metrology adopted by the National Assembly on 20 December 2012	1. Establishment of the National Metrology Office (ONAM) 2. Submission of a memorandum to the Council of Ministers 3. Preparation of other implementing texts relating to the Law on Metrology	1. A decree establishing ONAM has been signed 2. The Council of Ministers has approved the establishment of ONAM 3. Terms of reference have been prepared for the recruitment of a consultant	1. Second quarter 2017 2. First quarter 2017 3. First quarter 2018-third quarter 2019	VP in charge of the Ministry of Industry VP in charge of the Ministry of Industry Industry Directorate	1. Need for technical and financial assistance 3. Need for technical and financial assistance
	2. Law on food legislation adopted by the National Assembly in June 2017	1. Enactment by Presidential Decree 2. Elaboration of implementing texts 3. Entry into force	1. The Law is in the process of being enacted 2. Some texts have been prepared	1. Under way 2. Under way 3. Second quarter 2018	National Directorate of Agricultural and Livestock Strategies (DNSAE)	Need for technical and financial assistance
	3. National Quality Policy	1. Validation of National Quality Policy 2. Submission of a memorandum to the Council of Ministers for approval 3. Submission to the National Assembly for adoption 4. Preparation of implementing decree 5. Entry into force	1. The draft National Quality Policy (PNQ) has been prepared 2. Under way 3. Under way 4. Under way 5. Under way	1. October 2017 2. December 2017 3. April 2018 session 4. Second quarter 2018 5. 2019	Industry Directorate	Need for financial assistance

Description		Action to be taken	Status	Time-frame	Department(s)/ Ministry(ies) concerned	Comments
	4. Establishment and upgrading of quality control laboratories	1. Construction of the building 2. Purchase of necessary equipment for the laboratory	A technical project for establishment of a multidisciplinary laboratory is available	2017-2022	INRAPE	Need for technical assistance
	5. Capacity building for quality infrastructure	Training in: – Metrology – Standardization – English language – Control laboratories	Some training programmes were conducted in 2015	First quarter 2018- fourth quarter 2022	VP in charge of the Ministry of Industry	Need for technical and financial assistance
	6. Law on standardization	1. Preparation of terms of reference 2. Recruitment of a consultant to prepare the draft text of the law	Under way Under way	First quarter 2019 First quarter 2019	Ministry of Industry Ministry of Industry	Need for technical and financial assistance
Transparency	Establishment of the enquiry point and the national notification authority	Appointment of the enquiry point and the national notification authority	The enquiry point and national notification authority have been identified	April 2018	Foreign Trade Directorate	Political will
	Establishment of a National TBT Committee	Order on the nomination of members	Under way	Fourth quarter 2017	Foreign Trade Directorate	Political will
	Establishment of the Comorian Standards Office (BCN)	Submission of a memorandum to the Council of Ministers for approval Preparation of the draft decree on establishment	Memorandum under preparation Preparation of the decree under way	Second quarter 2018	VP in charge of the Ministry of Industry	Need for technical and financial assistance

5. MEASURES RELATED TO IMPORT LICENSING

Description	State of progress	Key stages	Action to be taken	Time-frame	Comments
Establish a legal framework in accordance with the provisions of the Import Licensing Agreement	<ul style="list-style-type: none"> – Existence of non-conforming texts and practices – No compliant draft law has been elaborated 	– Prepare and adopt a national law on the licensing system compatible with the WTO Agreement	<ul style="list-style-type: none"> – Prepare the law – Technical validation in a national workshop – Examination and adoption by the Parliament – Enactment of the law – Adoption of compliant implementing provisions – Application of the law by the competent services by means of compliant administrative procedures 	2018-2019	Technical assistance from legal experts required to be made available
	No notification made	WTO notification after adoption/enactment of the law	Notification of the law and implementing provisions to the WTO	2018-2019	No assistance
	Not yet started	Training in implementation of the licensing regime in accordance with the WTO Agreement	Organization of specifically dedicated seminars/workshops	2018-2019	Technical assistance required to be made available through trainers, South-South exchange missions.